IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1734 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/08/2003 in W.P.M.P.No.11112 of 2003 and W.V.M.P.No.1839 of 2003 in WP NO: 8610 of 2003 on the file of the High Court.)

Between:

1 Dr. B.R. Ambedkar Open University Prof. G. Ram Reddy Marg, Road No. 46, Jubilee Hills, Hyderabad. rep by its Registrar
2 The Executive Council Dr. B.R. Ambedkar Open University, Prof. G. Ram Reddy Marg, Raod No. 46, Jubilee Hills,

Hyderabad rep by its Vice-Chancellor.

.... APPELLANTS

AND

Dr. (Mrs) T.S. Mohana, D/o. Sri T.N. Srinivasan,
Dr. B.R. Ambedkar Open University, Road No. 46, Jubilee Hills,
Hyderabad-33.

.....RESPONDENT

Counsel for the Appellant:MR.M.RATNA REDDY

Counsel for the Respondent No.: MR.N.RAMAMOHANA RAO

The Court made the following :

ORDER: (Per the Honourable Sri Justice S.Ananda Reddy)

This writ appeal is filed by the respondents in the writ petition aggrieved by the order in W.P.M.P.No:11112 of 2003 and W.V.M.P.No:1839 of 2003 in W.P.No:8610 of 2003, under which the learned single Judge while disposing of the above M.Ps., passed the following order:

> *"Therefore, the question of treating the period of suspension as not on duty is prima facie illegal and unwarranted.*
>
> *Accordingly, the interim stay granted on 2.5.2003 in W.P.No:11112 of 2003 is made absolute in staying the order in so far as the period of suspension is concerned as not on duty. Interim stay vacated in so far as other minor punishment. Accordingly, the respondents are directed to treat the period of suspension as "on duty",*
>
> Which is impugned in the present appeal.

Disciplinary proceedings were initiated against the respondent herein by the University. Apart from suspending the respondent, but by a final order as per the resolution passed by the Executive counsel, suspension was revoked under the impugned order. While, at the same time, imposing the punishment of one annual increment for a period of one year, the suspension period was not treated as on duty. This portion of the order was suspended by the learned single Judge and directed the period of suspension to be treated as on duty. Aggrieved by that, the appellants have come with the present appeal.

The contention of the appellants, is that such an interim order, which has the affect of nullifying or annulling the impugned order, could not be passed and therefore, the interim order passed by the learned single Judge, is not sustainable.

The learned counsel appearing for the writ petitioner-respondent while supporting the order impugned, contended that such an order would not have been passed by the authorities.

After hearing both the counsel, We are of the opinion that the order, which the learned single Judge has passed, is an order, which ought to have been passed finally after satisfying on merits, but not by way of interim order.

Under the above circumstances, We set aside the order to the extent of suspending the order with reference to the suspension period to be treated as not on duty.

With the above direction, this writ appeal is disposed of. However, the writ petition itself is directed to be posted for final hearing in the 2nd Week of February, 2005.

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Justice T.Meenakumari

6th December, 2004

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Justice S.Ananda Reddy

Gurc.

To

1 The Registrar, Dr. B.R. Ambedkar Open University, Prof. G. Ram Reddy Marg, Road No. 46, Jubilee Hills, Hyderabad.

2 The Vice-Chancellor, The Executive Council Dr. B.R. Ambedkar Open University, Prof. G. Ram Reddy Marg, Raod No. 46, Jubilee Hills, Hyderabad .

3. Two CD Copies.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A.No:1734 of 2004

(order pronounced by Sri Justice S.Ananda Reddy)

6th December, 2004